IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION No. 5980 of 2005

Between:

Katakam Subba Rao, S/o Venkateswarlu,

Hindu, aged 35 years, R/o Durgi Village,

Durgi Mandal, Guntur District.

..... PETITIONER

AND

1 The Commissioner, City Police, Vijayawada.
2 The Station House Officer, Law & Order, 5th Town Police Station, Vijayawada.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents' police frequently visiting the house of the petitioner and calling him to Police Stations without any crime or case as illegal, arbitrary and violative of Art. 21 of the Constitution of India and further direct the Respondents to close the rowdi sheet against the petitioner.

Counsel for the Petitioner: MR.KRISHNA MOHAN SIKHARAM

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

The Court at the stage of admission made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home and with their consent, the writ petition is taken up for disposal at the stage of admission.

This writ petition is filed seeking to declare the action of respondents in frequently visiting the petitioner's house and calling him to Police Stations without there being any crime or case pending against him, as illegal and arbitrary, and further to direct the respondents to close the rowdy sheet opened against him.

The main grievance of the petitioner is that the respondents - police are continuing the rowdy-sheet opened against him even though no criminal cases are pending, and as such the rowdy-sheet may be ordered to be closed.

A counter-affidavit is filed on behalf of the respondents denying the allegations made in the affidavit filed in support of the writ petition. It is stated that all the criminal cases against the petitioner have ended in acquittal and no cases are pending against him as on today. It is stated that mere acquittal in the criminal cases does not bar the police department from continuing the rowdy sheet against the petitioner. It is further stated that on the recommendations of the Assistant Commissioner of Police, Vijayawada Division-II, a rowdy sheet was opened on 01-9-1997 against the petitioner on the file of the V Town Police Station, Vijayawada as per the Police Standing Orders and the rowdy sheet is being extended from time to time and as of now, it operates up to 31-12-2005. It is also stated that if there is no surveillance on the petitioner, he is likely to create law and order problem and hence, the respondents are watching the movements of the petitioner so that he may not indulge in any illegal activities.

Having regard to the above averments in the counter-affidavit filed on behalf of the respondents, and in view of the fact that all the criminal cases against the petitioner ended in acquittal and at present, no criminal case is pending against him, and in the absence of any whisper in the counter-affidavit about the involvement of the petitioner in any subsequent crime, I deem it appropriate to direct the respondents to close the rowdy-sheet opened against the petitioner on the file of the V Town Police Station, Vijayawada. It is made clear that this order does not preclude the respondents from keeping a watch on the activities of the petitioner, and taking necessary action against him, if he is found indulging in any unlawful or illegal activities or causing law and order problem.

With the above directions, the writ petition is disposed of at the stage of admission.

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N.V. RAMANA, J

Date: 28-4-2005

Svv

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, City Police, Vijayawada.
2 The Station House Officer, Law & Order, 5th Town Police Station, Vijayawada.

3 Two CCs to the Government Pleader for Home,

High Court Buildings, Hyderabad.

4 Two CD copies.